



Department of Energy

Office of Science
Integrated Support Center

9800 South Cass Avenue
Lemont, IL 60439

P.O. Box 2001
Oak Ridge, Tennessee 37831

March 6, 2019

Mr. Russ Kick
MuckRock News
DEPT MR 69156
411A Highland Ave.
Somerville, MA 02144-2516

Via E-mail: 69156-79948353@requests.muckrock.com

Dear Mr. Kick:

SUBJECT: U.S. DEPARTMENT OF ENERGY (DOE) OFFICE OF SCIENCE INTEGRATED SUPPORT CENTER – CHICAGO OFFICE (ISC-CH) FREEDOM OF INFORMATION ACT (FOIA) REQUEST NO. #CH-2019-00503-F

I am the authorizing official under the federal Freedom of Information Act (FOIA), 5 USC 552 et seq., implemented through DOE FOIA regulations at 10 CFR 1004 for DOE ISC-CH. This is our office's final response to your subject FOIA request, which you submitted to this office.

In your original request, you are seeking "your agency's FOIA request logs covering 2016, 2017, and 2018." Please note that this response only pertains to that portion of your request for the FOIA request logs of DOE ISC-CH. Other DOE FOIA offices also have received requests from you and will respond to you directly regarding your requests as they pertain to those office's respective FOIA jurisdictions.

For your request as it pertains to DOE ISC-CH, based on the most likely location for responsive records, with the assistance of the DOE Headquarters FOIA Office, we conducted a search of the DOE ISC-CH area of the DOE central FOIA Xpress request tracking system.

As a result of our search, we located the attached FOIA request log covering the period January 1, 2016 through December 31, 2018. We are providing that log to you with redactions for information being withheld under FOIA Exemption 6 for the reasons state in the FOIA Exemption (b)(6) (Privacy exemption) explanation below.

FOIA Exemption (b)(6) - Privacy

Be advised that some of the information contained in the DOE ISC-CH FOIA request log contains information exempt from disclosure under Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). Exemption 6 shields from disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6); *see also* 10 C.F.R. § 1004.10(b)(6). The purpose of Exemption 6 is to "protect individuals from the injury and embarrassment that can result from the unnecessary disclosure of personal information." *Dep't of State v. Washington Post Co.*, 456 U.S. 595, 599 (1982).

The first step in the Exemption 6 balancing process is determining whether disclosure of the information would violate a viable privacy interest of the subject of the information. *See Schell v. HHS*, 843 F.2d 933, 938 (6th Cir. 1988). Once it has been determined that a personal privacy interest is threatened by a release of information, the next step is to assess whether there is a public interest in disclosing the information. *See FOIA Update*, Vol.X, No. 2, at 7 (1989). The Supreme Court has held that a public interest exists if disclosure would contribute to the "public understanding of the operations or the activities of the Government." *Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 775 (1989). Finally, the two competing interests must be weighed against one another in order to determine whether harm to personal privacy or benefit to the public is the greater result. *See Ripskis v. HUD*, 746 F.2d 1, 3 (D.C. Cir. 1984).

In the DOE ISC-CH FOIA request log, the privacy information being withheld consists of names and associated personal employment and health information for individuals potentially living. For known deceased individuals, no redactions have been made. We redacted certain names and/or associated personal employment and health information for individuals potentially living because, if released, those individuals may be subject to personal anguish to their detriment and harm. Conversely, the names and associated personal employment and health information carries no public interest since it will not contribute to the public understanding of the operations or activities of the Government. When weighed against each other, it is clear that the personal privacy interest in maintaining the confidentiality of the names and associated personal employment and health information prevails against the public interest. Therefore, the names and associated personal employment and health information of those individuals has been redacted from the responsive documents under FOIA Exemption (b)(6).

This determination and the adequacy of the DOE ISC-CH search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals, HG-1
L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA/Privacy Act appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison Peter Siebach at 630-252-2007, or by mail at 9800 S. Cass Ave., Bldg. 201, Argonne, IL 60439, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Fees

Because fees are nominal and did not meet the minimum threshold for fee assessment under FOIA, there are no fees associated with your request.

If you have any questions regarding this response, please contact me at (630) 252-2041, or via e-mail at miriam.bartos@science.doe.gov. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Miriam R. Bartos". The signature is written in a cursive, flowing style.

Miriam R. Bartos
FOIA Officer

Enclosure:
As Stated